

NOTICE OF RELEVANT REPRESENTATION FOR A PREMISES LICENCE UNDER THE LICENSING ACT 2003



North Yorkshire Police hereby give notice of objection to the Premises Licence as listed below:

Postal Address of premises or club premises: The Hilt 57B Goodramgate	
Post town: York	Post code (if known): YO1 7LS

Notice of Objection relates to the following licensing objective: *(Please tick one or more boxes)*

1. The prevention of crime and disorder	<input checked="" type="checkbox"/>
2. Public safety	<input checked="" type="checkbox"/>
3. Prevention of Public Nuisance	<input checked="" type="checkbox"/>
4. The protection of children from harm	<input checked="" type="checkbox"/>

GROUNDINGS FOR RELEVANT REPRESENTATION

Please provide as much information as possible to support this relevant representation:
(e.g. please list any additional information, e.g. dates of problems which are included in the grounds for review)

This application relates to a Full Variation for Hilt Adventures Ltd 57B Goodramgate in York's Cumulative Impact Area.

The application seeks to revise the conditions on the existing licence, thereby removing the conditions for prohibiting alcohol from being served to customers before they take part in any axe throwing activity and allowing alcohol in the axe throwing areas.

The premises sits within York's CIA (Cumulative impact assessment area) an area which The City of York Council has identified as being under the most stress from crime and disorder and public nuisance in their statement of licensing policy. The current policy came in to effect on 21st March 2019 and runs until 2024 and which states:-

"9.13 North Yorkshire Police and Public Protection have provided information that the nature of this area is such that the problems and cumulative impact directly relates to the style of businesses operating in the area and their clientele, due to the concentration of:

- drink led premises – pubs, bars, nightclubs and restaurants/cafes;
- entertainment premises – pubs, bars and nightclubs providing entertainment, especially late at night into the early hours of the morning;
- late night refreshment premises – takeaways; and
- off licence premises – supermarkets and convenience stores.

Furthermore the CIA policy states:

“An applicant wishing to obtain a new licence or vary a licence for premises, within the cumulative impact area, must demonstrate through the operating schedule, the steps that they intend to take so that the Council and responsible authorities can be satisfied that granting a new or varied licence will not add to the cumulative impact already being experienced.”

The Premises first obtained a Premises Licence in October 2020 and North Yorkshire Police liaised with the applicant in respect of proportionate and tailored conditions to ensure the Promotion of the four Licensing objectives:-

Prevention of Crime and Disorder
Prevention of Public Nuisance
Public Safety
Protection of Children from Harm.

Specific conditions were agreed as per Annex 2 on the Premises Licence which North Yorkshire Police deemed at the time was in line with the Section 182 Statutory Guidance Para 8.43,

“Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application: any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy”.

demonstrating that their application was an exception to the policy as their primary focus was to operate as an Axe Throwing Venue, with alcohol being ancillary.

The Premises has limited areas only for alcohol and a zero-tolerance approach to alcohol on the premises for participants in any activity thereby promoting the Licensing objectives.

This application seeks to revise the following conditions:-

9) “The applicant must conduct a full risk assessment in respect of the Axe throwing with a zero-tolerance policy for consumption of alcohol prior to throwing. Customers must be made aware of this policy and a documented copy must be kept. This document must be kept for a minimum of 12 months and must be made available upon reasonable request from the Police or Responsible Authority.”

11) “No Customer who is identified as intending to take part in axe throwing shall be served any alcohol prior to throwing. They may be served alcohol following their throwing session only.”

14) “No alcohol is permitted in the “throwing area” only in the restaurant/bar area as shown on the plans.”

The applicant has provided the following information as an alternative if the above conditions are revised.

“There will be a 1 or 2 drink limit depending on how many drinks have been purchased with the booking. This way axe throwers will not be able to consume enough to reach any dangerous level of intoxication in the 75 minutes of their session.”

This is a very bold statement to make. What is the applicant classing as a “dangerous level”?

If persons have consumed any alcohol prior to attending the Premises which the venue has no control over or way of knowing, but then propose allowing further alcohol before and during the Axe throwing this could have an adverse effect on an individual thereby increasing the risk of an incident taking place involving an Axe which is a weapon whether sharp or blunt.

By removing condition 11 the premises is increasing the risk of intoxication levels prior to participating in the Axe Throwing activity again undermining the Licensing objective of Public Safety.

Allowing alcohol in the Axe Throwing Bays removing condition 14 does not mitigate risks of Prevention of Crime and Disorder or Public Safety and the applicant has not provided any evidence to address this aspect within the application.

The application states "All staff will be trained and well informed on all aspects of alcohol service, premises licence conditions, and the law surrounding the safe service of alcohol. (Please see the enclosed server of alcohol training record). " There is no enclosed alcohol training record with the application.

Section M of the application part a) states

"STRICT ENFORCEMENT OF 2 DRINK LIMIT,NO SPIRITS. ALL COACHES TRAINED TO OVERSEEE SESSIONS. ONCE DEDICATED COACH PER GROUP. MAXIUM GROUP SIZE 12".

As such if there is twelve persons in one area that is 12 drinks (potentially 24 if they can obtain the maximum two drinks at the same time) and one coach to oversee the group. How is it feasible for one person to be assisting customers/demonstrating axe throwing and overseeing the consumption of alcohol?

The application is inconsistent regarding the aspect of under 18's attending the venue.

The Risk assessment provided under Alcohol/Drugs states the following:-

" Groups consuming alcohol must be made up exclusively of over 18's". It also sates "No alcohol to be served if under 18s present in that group".

Section M para e)" No persons under 18 permitted to attend in Groups who have purchased alcohol. Propose designating venue as over 18 only unless food being served".

However the additional information "Any group purchasing alcohol must be made up of exclusively of over 18's ensuring the safety of any minors participating in activities".

This undermines the Protection of Children from Harm Licensing objective as if alcohol is being served to a group made up of mostly over 18's but does contain minors and as referred to above there is only one coach monitoring who is consuming alcohol how can they ensure that a minor will not access alcohol?

The application states "No participant permitted to throw if they are suspected of being intoxicated". Is this before or during the Axe throwing if they are allowed to consume more alcohol? Also what experience and qualifications does the member of staff Richard Thurbon who has completed the risk assessment have in respect of Health and Safety Regulations. What criteria are staff using to determine if someone is intoxicated?

On Wednesday 6th April 2022 at 1500hrs I had a Teams Video Call with the Premise Licence Holder Mr Joshua Goodwin, as he resides outside the UK, so we were unable to meet in person.

I discussed my concerns in respect of the application particularly allowing customers to be served alcohol during Axe Throwing Sessions. I asked about the reference in the application information to "our competitors have recently managed to obtain a crucial edge over us".

I explained that as the Force Licensing Manager for North Yorkshire Police, which is the biggest county in England I can confirm that there are only two Axe Throwing venues that have a Premise Licence to sell alcohol, The Hilt, and an additional Premises in Craven District both have the same Conditions, so his venue was not being disadvantaged by another competitor in the locality having different conditions.

I further expressed my concern in respect of The Hilt Variation application to allow alcohol during axe throwing sessions. The Axe Throwing sessions are 75 minutes and the venue is presently able to offer alcohol to customers following their session. By allowing alcohol before and during the Activity sessions could increase the risk of harm to staff, and other customers.

I asked Mr Goodwin if he had considered York's Statement of Licensing Policy and in particular the Cumulative Impact Area where his premises is located. He did not appear to be familiar with this. I explained that considering the policy, I did not see this application as an exception to the policy nor had he provided sufficient information within the application to mitigate concerns or promote the four licensing objectives. Based on this I advised North Yorkshire Police would make a representation to the Licensing Authority objecting to the application.

In conclusion, the application is littered with inconsistencies regarding if the Venue is to operate as a 'Over 18' venue only.

It does not provide any substantial information how risks would be managed if conditions 9, 11 and 14 were revised. It lacks detail on how it would ensure the promotion of the Licensing Objectives in an area that is already experiencing high levels of disorder.

The applicant has failed to consider York's statement of Licensing Policy.

North Yorkshire Police cannot support this application in the Cumulative Impact Area, for the reasons highlighted and respectfully ask members to refuse the application.

Signature: J Booth

Date: 08/04/22

Contact name: PS 133 Jackie Booth

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